

**COPY**

Atty Docket: MXIC 1518-1

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**FINGER METAL-INSULATION-METAL CAPACITOR WITH LOCAL  
INTERCONNECT**

the specification of which

XX is attached hereto.  
\_\_\_\_\_ was filed on \_\_\_\_\_ as Application No. \_\_\_\_\_  
\_\_\_\_\_ and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a) which states in relevant part: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section....The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98."

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), and under §119(e) of any United States provisional application(s), listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Patented, Pending, Abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, and to file, prosecute and to transact all business in connection with international applications directed to said invention:

Mark A. Haynes	-	Reg. No. 30,846
Ernest J. Beffel, Jr.	-	Reg. No. 43,489
James F. Hann	-	Reg. No. 29,719
Warren S. Wolfeld	-	Reg. No. 31,454
Bill Kennedy	-	Reg. No. 33,407

Address all correspondence to:

**CUSTOMER NO. 22470**

Ernest J. Beffel, Jr.  
Haynes Beffel & Wolfeld LLP  
P.O. Box 366  
Half Moon Bay, CA 94019

Direct all telephone calls to Ernest J. Beffel, Jr. at (650) 712-0340.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint  
inventor, if any:

Lenvis Liu

Inventor's signature:

Lenvis Liu

Date:

1/22/2002

Citizenship:

R.O.C.

Residence:

No. 3, Alley 12, Lane 520, Shiuefu Rd, Judung Jen

Hsinchu, Taiwan 310 R.O.C.

Post Office Address:

Same as above.

Full name of second joint  
inventor, if any:

CJ Hwang

Inventor's signature:

C.J. Hwang

Date:

1/22/2002

Citizenship:

R.O.C.

Residence:

6 Floor, No. 238-8, Daj St.

Sanchung City, Taipei, Taiwan 241 R.O.C.

Post Office Address:

Same as above.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on 29 March 2002

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Amy Jonsson 29 March 2002  
Amy Jonsson (Date)

Attorney Docket No. MXIC 1518-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	Group Art Unit: <i>Unknown</i>
LENVIS LIU et al.	)	
	)	
Application No. 10/077,450	)	Examiner: <i>Unknown</i>
	)	
Filed: 15 February 2002	)	
	)	
For: <b>Finger Metal-Insulator-Metal Capacitor</b>	)	
<b>With Local Interconnect</b>	)	

**POWER OF ATTORNEY BY ASSIGNEE TO EXCLUSION OF INVENTOR**  
**UNDER 37 C.F.R. § 3.71 WITH REVOCATION OF PRIOR POWERS**

Commissioner of Patents  
Washington, D.C. 20231

Sir:

The undersigned ASSIGNEE of the entire interest in the above-identified application for letters patent hereby appoints:

Mark A. Haynes	- Reg. No. 30,846
Ernest J. Beffel, Jr.	- Reg. No. 43,489
James F. Hann	- Reg. No. 29,719
Warren S. Wolfeld	- Reg. No. 31,454
Bill Kennedy	- Reg. No. 33,407

to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

*p900223*

Application No. 10/077,450

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

X a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or

\_\_\_ the Assignment recorded on \_\_\_\_\_ at reel \_\_\_\_\_, frames \_\_\_\_\_.

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

Direct all telephone calls to Ernest J. Beffel, Jr., Esq., at (650) 712-0340.

Address all correspondence to:

**Customer Number 22470**

Ernest J. Beffel, Jr., Esq.  
HAYNES BEFFEL & WOLFELD LLP  
P.O. Box 366  
Half Moon Bay, CA 94019  
(650) 712-0340 (phone)  
(650) 712-0263 (fax)

The undersigned Chief Technical Officer is empowered to execute this submission on behalf of the Assignee.

ASSIGNEE: MACRONIX INTERNATIONAL CO., LTD.

Signature: C. Y. Lu

Name: DR. C. Y. LU

Title: CHIEF TECHNICAL OFFICER

Date: 3/13/2002

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**JOINT TO CORPORATE  
ASSIGNMENT**

WHEREAS, the undersigned,

(1) Lennis Liu  
No. 3, Alley 12, Lane 520  
Shiuefu Rd, Judung Jen  
Hsinchu, Taiwan 310 R.O.C.

(2) CJ Hwang  
6 Floor, No. 238-8, Daj St.  
Sanchung City  
Taipei, Taiwan 241 R.O.C.

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hereinafter termed "Inventors", have invented certain new and useful improvements in

**FINGER METAL-INSULATION-METAL CAPACITOR WITH LOCAL  
INTERCONNECT**

and have filed an application for a United States patent disclosing and identifying the above invention on \_\_\_\_\_ as Application No. \_\_\_\_\_; OR are filing such an application herewith, and have executed an oath or declaration of inventorship for such application on:

(1) the 22<sup>ND</sup> day of January, 2002;

(2) the 22<sup>ND</sup> day of January, 2002;

(hereinafter termed "application"); and

WHEREAS, Macronix International Co., Ltd., a corporation of Taiwan, having a place of business at No. 16, Li-Hsin Road, Science-Based Industrial Park, Hsinchu, Taiwan R.O.C. (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application

which is a divisional, substitution, continuation, or continuation-in-part of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation reissues and reexaminations, opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, said Inventors have executed and delivered this instrument to said Assignee as of the dates written below.

Lennis Liu

Lennis Liu

1/22/2002

Date

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

On \_\_\_\_\_, 2002, before me, \_\_\_\_\_  
personally appeared \_\_\_\_\_

\_\_\_\_\_ personally known to me or \_\_\_\_\_ proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
(Notary Public)

CJ Hwang  
CJ Hwang

1/22/2002  
Date

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

On \_\_\_\_\_, 2002, before me, \_\_\_\_\_,  
personally appeared \_\_\_\_\_

\_\_\_\_\_ personally known to me or \_\_\_\_\_ proved to me on the basis of  
satisfactory evidence, to be the person whose name is subscribed  
to the within instrument and acknowledged to me that he/she  
executed the same in his/her authorized capacity, and that by  
his/her signature on the instrument the person or the entity upon  
behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
(Notary Public)